



# California Regional Water Quality Control Board

## Central Valley Region



Alan C. Lloyd, Ph.D.  
Agency Secretary

**Redding Branch Office**  
415 Knollcrest Drive, Suite 100, Redding, California 96002  
(530) 224-4845 • Fax (530) 224-4857  
<http://www.waterboards.ca.gov/centralvalley>

**Arnold Schwarzenegger**  
Governor

30 March 2006

**RECEIVED BY**

**APR 03 2006**

**BOARD OF FORESTRY  
AND FIRE PROTECTION**

Mr. Stan L. Dixon, Chairman  
Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA 94244-2460

**Subject: Forest Practice Rules 916.9, 936.9, 956.9 – Protection and Restoration in Watersheds with Threatened and Impaired Values (“T& I Rules”)**

The Central Valley Regional Water Quality Control Board (Regional Board) has been asked to comment on the potential expiration of the T& I Rules on December 31, 2006.

The letter dated 29 March 2006 from Robert Klamt of the North Coast Regional Board on this issue is concise and reflects most of the concerns we have in the Central Valley. However, the Central Valley of the state of California has a limited area whereupon the T&I rules apply compared to the North Coast area. This does not mean that the protection measures the T& I Rules provide are not exceedingly beneficial to the Central Valley, but it may mean that we will not fully realize their benefits for many years to come.

Regional Board staff is currently participating in the Board of Forestry and Fire Protection’s (Board) Monitoring Study Group efforts to address issues associated with the Rules. In addition, the Interagency Mitigation Monitoring Program lead by the California Department of Forestry and Fire Protection (CDF) is moving closer to implementation of a pilot program to be initiated both on the North Coast and in the Central Valley. Both programs include the worthy goal of assessing Rule effectiveness in preventing degradation of the beneficial uses of water quality throughout the state. Unfortunately, neither program is designed to assess the T&I Rules in a quantitative manner. That type of assessment would take many years and a significant level of dedication from the Board to enable an appropriate decision for adoption or removal of the T& I section from the Rules.

The existing and ever-expanding body of scientific study on forest practices and their effects (including the CDF Hillslope Monitoring Program (HMP)) clearly show that roads can increase erosion rates by several orders of magnitude relative to undisturbed areas (Megahan and Kidd, 1972; Reid and Dunne, 1984; Luce and Black, 1999; Wemple et al., 2001; MacDonald et al., 2004) and that watercourse crossings and road drainage are the primary linkage between road sediment sources and waters of the state (Montgomery, 1994; Wemple et al., 1996; Coe and MacDonald, 2001; Croke and Mockler, 2001; LaMarche and Lettenmaier, 2001). This body of knowledge and the resultant best management practice (BMP) methods of mitigation should be drawn upon in evaluating the T& I Rules and their usage.

***California Environmental Protection Agency***

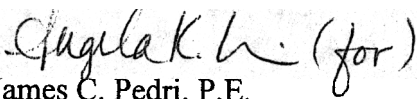
However, it is the Regional Board's stance that the numeric values in the T&I Rules require quantitative evaluation to either extend them or remove them and that neither decision should be made prior to that evaluation.

The Regional Board strives for a "proactive" approach to beneficial use protection. Protection measures that are designed to restore damaged resources may be the same protection measures that are required (or should be) to prevent future damage to resources.

In addition, the Conditional Waiver of Waste Discharge Requirements for Discharges Related to Timber Harvest Activities (Waiver) for the Regional Board relies on the Timber Harvest Plan (THP) process and bases its assumptions about T&I protection measures on the Board's Rules. Were the T&I Rules to be allowed to expire December 31, 2006, the impact to the Waiver and the Regional Board's timber harvest review process would be substantial.

The Regional Board recommends the Board either; 1) permanently readopt the T&I Rules in their entirety, or 2) readopt the T&I Rules for a specified time, long enough to enable the Board to adequately evaluate the effectiveness of T&I Rules in a quantitative manner, or 3) separate out those measures that are easily substantiated through current scientific studies (e.g. T&I Rules pertaining to watercourse crossings) and apply them statewide and leave un-validated protection measures to be evaluated through further quantitative studies. The reasons for the initial Rule development and the subsequent adoption of the Rules are still valid and useful in protecting sensitive beneficial uses of water. The Central Valley Regional Board staff agrees with the North Coast Board staff in that those original reasons will not disappear on December 31, 2006.

Thank you for your consideration. Please contact me at (530) 224-4845 if you have any questions or need additional information.

 (for)  
James C. Pedri, P.E.  
Assistant Executive Officer